

Case No. 22-56090

In the United States Court of Appeals
for the Ninth Circuit

JUNIOR SPORTS MAGAZINES INC., et al.,
Plaintiffs-Appellants,

v.

ROB BONTA,
in his official capacity as Attorney General of the State of California,
Defendant-Appellee.

On Appeal from the United States District Court
for the Central District of California
Case No. 2:22-cv-04663-CAS-JC

**PLAINTIFFS-APPELLANTS' RESPONSE TO MOTION FOR
EXTENSION TO FILE PETITION FOR PANEL REHEARING OR
REHEARING EN BANC**

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September 20, 2023

The State's motion for an extension of time of 45 days to file a petition for panel rehearing or rehearing en banc correctly informs the court that Appellants oppose the requested extension, but it fails to explain the context of Appellants' qualified objection. Appellants thus provide this response in opposition to the State's motion.

The three-judge panel did not enter its own order preliminarily enjoining enforcement of California Business and Professions Code section 22949.90. As is common, it instead instructed the trial court to do so on remand. As this Court is no doubt aware, however, the challenged law contains a provision that allows any party—not just government lawyers—to bring an action against firearm industry members for engaging in what has now been ruled to be conduct that is protected by the First Amendment. Until an injunction is entered as a matter of court record, Appellants (and countless others similarly situated) thus remain vulnerable to harassing, costly lawsuits by private actors for engaging in constitutionally protected speech. For that reason, Appellants cannot agree to a lengthy extension without the protection of a temporary injunction of the law.

Appellants pointed this out to counsel for the State and offered to stipulate to a TRO or otherwise jointly move for temporary injunctive relief while the State considers pursuing a request for panel rehearing or en banc review. The State declined to enter into such an agreement, claiming that such an injunction is not in the public interest—despite this Court's finding otherwise. *Op.* at 20.

For these reasons, Appellants oppose the State's Motion for Extension to File Petition for Panel Rehearing or Rehearing En Banc. And, if this Court is inclined to

grant the requested extension, Appellants will seek immediate injunctive relief by whatever appropriate means are available to them.

Dated: September 20, 2023

Respectfully submitted,

MICHEL & ASSOCIATES, P.C.

s/ Anna M. Barvir

Anna M. Barvir

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Magazines, Inc., Raymond Brown, California
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California Rifle & Pistol Association,
Incorporated, The CRPA Foundation, and Gun
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Date: September 20, 2023

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s/ Donald Kilmer

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CERTIFICATE OF SERVICE

I hereby certify that on September 20, 2023, an electronic PDF of PLAINTIFFS-APPELLANTS' RESPONSE TO MOTION FOR EXTENSION TO FILE PETITION FOR PANEL REHEARING OR REHEARING EN BANC was uploaded to the Court's CM/ECF system, which will automatically generate and send by electronic mail a Notice of Docket Activity to all registered attorneys participating in the case. Such notice constitutes service on those registered attorneys.

Dated: September 20, 2023

Respectfully submitted,

MICHEL & ASSOCIATES, P.C.

s/ Anna M. Barvir

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